

U.S. District court eastern district of Wisconsin.

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Thomas H.L. Barfell
Plaintiff

V

Case #21-CV-725

Block, Alt, Buchanan, Steffanides, Howell,
Kramer, Denise, Dr Lamarca, Dr
Nance, Dr Delforge, Jane Doe nurses,
Sarah Cooper, Michael Rivers, John Doe
Medical director, Mary Muse, and Kevin Carr.

Amended Complaint Defendants.

Jurisdiction

This is a civil action authorized by 42 U.S.C. 1983 to redress the deprivation, ~~of~~ under color of state law of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C. Sections 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. The eastern district of Wisconsin is an appropriate venue under 28 U.S.C. Section 1391(b)(2) ~~because~~ ~~it is the~~

Plaintiffs

Thomas H.L. Barfell was at all times mentioned herein confined to the Columbia Correctional Institution. He has since been released and is no longer in custody.

Defendants

Block was the assistant head manager ^{and an RN} at C.C.I. She is responsible for conducting nursing visits, responding to inmate requests regarding their healthcare needs, and ensuring those health care needs are addressed.

Alt ~~was~~ ^{Case 2:21-cv-00725-LA} Filed 04/05/22 Page 1 of 14 Document 93 ^{responding to}

inmate requests, scheduling appointments, and conducting nursing visits. Buchanan was the hsu manager at C.C.I. She was responsible for scheduling appointments, responding to requests, and ensuring inmates healthcare needs are addressed.

Kramer is a nurse practitioner at C.C.I. She was responsible for prescribing medications, scheduling appointments, addressing Barkell's healthcare needs, ~~and~~ meeting with him to address those needs, and making referrals.

Howell, ~~and~~ Denise ~~are Rns~~ ~~at C.C.I.~~ ~~they are~~ responsible for responding to inmate requests, scheduling appointments, and conducting nurse visits.

Dr Steffanides was Barkell's provider for a short period of time between May and August 2021. Steffanides was responsible for scheduling appointments, making referrals, addressing his healthcare needs, and prescribing medications.

Dr Lamarca, Dr Delforge, and Dr Nance are all dentists employed at C.C.I. They are responsible for responding to requests about dental needs, filling cavities, conducting dental assessments, providing partials, and ensuring inmate dental needs are met.

Jane Doe nurses were Rns at C.C.I. They were responsible for responding to inmate requests, meeting with inmates, scheduling appointments, and making referrals.

Sarah Cooper is the DAT administrator and responsible for the policies of the Doc.

Michael Rivers is the director of health care administration. he is ~~responsible for the~~ partly responsible for the medical policies of the Doc.

John Doe medical director is partly responsible for the medical policies of the D.O.C.

Mary Muse is the nursing director and ~~Respon~~ partly responsible

on April 15th, 2022, Barfell arrived at C.C.I. An intake assessment was conducted by Block. Barfell informed Block that he needed HCV treatment. She also verified this by reviewing Barfell's medical records. Barfell informed Block that he was having loss of appetite, diarrhea, nausea, lethargy, puking, and right side/back pain. Barfell also informed Block that he had tried meds were unhelpful, and because of this a doctor had scheduled an endoscopy, which Barfell had missed in May 2020. Block stated "I'm not here to address those issues at this time, I'm only conducting your intake assessment." Between 4/16/22 and 5/10/22, Barfell submitted several hsu forms to hsu about these issues, being in pain, and not being able to sleep because of these issues. ~~He~~ Barfell also asked why he was being ignored and why it was taking so long for him to be evaluated. On 4/16 and 4/28, a Jane Doe nurse responded and told Barfell that he would be scheduled. On 4/30, Jane Doe nurse responded by saying "Appointment scheduled with GI." On 5/11/21, Jane Doe responded by saying "you will be seen when you are seen." On 5/4/21, Buchanan responded by stating "you have an upcoming appointment, address at that time." On 5/10/21, after a delay in receiving medical care by several nurses Barfell was finally seen by Denise. Denise informed Barfell that she couldn't help him and that he would be scheduled to see a doctor. Denise also informed Barfell that he would need to pick two issues he wanted to be seen for, as the doctor was limited for time. Barfell wrote to Buchanan that night asking why only 2 concerns would be addressed. Buchanan informed Barfell stated "The doctor has a time limit." Between 5/10/21, ~~Barfell~~ ^{Barfell} and 6/3/21, ~~he~~ ^{Barfell} continued to submitted hsu forms about his Hep C, gerd, meds not helping, the pain ~~he~~ was in, symptoms ~~he~~ had, and needing an endoscopy. Buchanan responded by saying "you will be seen soon." ~~on~~ on 5/22/21 nurse ~~Alto~~ responded stating 5/22 Page 3 of 14 document 93

Denise responded on 5/30/21 stating "you have upcoming appointments"

and G.I." on 5/24, Nurse Alt stated "referral was made to see provider on 5/10," on 5/25, ~~Barfell~~ asked why ~~he~~ needed to see a G.I. or doctor before ~~he~~ started Hep C treatment. Buchanan stated "They need to evaluate you before ordering the treatment." But at this point ~~Barfell~~ had been evaluated multiple times. They knew ~~he~~ needed treatment, knew ~~he~~ was experiencing pain and suffering because ~~he~~ wasn't receiving this treatment, and choose to delay Hep C treatment anyways. on 5/25, Buchanan responded stating "you have an upcoming appointment with a G.I." After^a nearly 2 months delay in medical care and even though ~~Barfell~~s Hep C and GERD were causing him pain, suffering and made it hard to sleep, ~~Barfell~~ was finally seen by Dr Steffanides. ~~Barfell~~ brought up his hep C causing him pain and suffering, his GERD meds being unhelpful, missing an endoscopy in May 2020, and needing Hep C treatment. Dr Steffanides stated "There is nothing I can do, you will have to be patient. you will need to see a G.I. prior to receiving Hep C treatment or an endoscopy." He then stated "No matter what your told, hsu will probably not allow an endoscopy while your here. It cost too much and you don't have much time left. on 6/5/21, ~~Barfell~~ wrote hsu 5 times. ~~he~~ asked why ~~he~~ was being ignored and informed them that ~~he~~ was puking, nauseous, lethargic, had diarrhea, ~~and~~ loss of appetite, and that ~~he~~ was in pain because of his Hep C, GERD meds not working, and needed an endoscopy. Nurse Alt responded stating "you can address these issues when your seen sometime in the next month." on 6/10/21, ~~Barfell~~ seen a G.I. The G.I. informed ~~Barfell~~ that hsu should of let her know about the pain and suffering he was going through and he would of been seen right away. ~~Barfell~~ informed her that he had tried every medication for GERD and none had been helpful and that he had missed an

endoscopy when he was in the community in May 2020. The GI informed Barfell that she would schedule an endoscopy, but sometimes the institution didn't like to allow them when inmates were so close to being released. Over several months, Barfell informed Denise, Katy, Black, Buchanan, Kramer, and Alt about what the GI said about scheduling an endoscopy for Barfell. Instead of contacting the GI to verify this, they continued to refuse to provide Barfell an endoscopy. On 6/26, ^{Barfell} wrote the doctor ^{Steffanides} and informed him that ~~Barfell~~ ~~informed Steffanides that his~~ meds for GERD were unhelpful, the meds he was on in the past that were unhelpful, and brought up the endoscopy. Denise responded stating "No order for endoscopy." She ignored other comments. On 6/29, ^{Barfell} wrote hsc and informed them that the meds ~~he~~ was on for GERD weren't helpful, ~~he~~ was in pain, ^{his} symptoms continued, and had missed an endoscopy in May 2020. Nurse Alt responded stating "Nurse Denise already answered your questions, I'm sorry you didn't like the answers." On 8/3, ^{Barfell} wrote hsc and continued to inform them that the GI was suppose to schedule an EGD (endoscopy). ^{he} asked if they could contact her and check on it. ^{he} brought up ^{his} symptoms and pain ^{he} was experiencing because of my GERD. ^{He} brought up all the meds ^{he} was on now and in the past for GERD being unhelpful. Nurse Alt responded stating "you can address this when you see the GI in 14 weeks." Before I continue, I would like to note, I was suppose to see a GI after completing Hep C treatment. I still haven't seen a GI. On 8/17, after over 2 months of pain, suffering, and medications not helping, Barfell seen nurse Denise. Denise informed Barfell that there was nothing she could do and she would schedule him to see a provider.

Barfell endoscopy, but never did. on 8/19/21, ~~he~~ wrote Denise and asked her if she had contacted the GI. A Jane Doe nurse responded. Jane Doe nurse didn't answer ~~his~~ question about the GI. on 8/22/21, Barfell wrote hsu. I informed them that ~~he~~ needed an endoscopy to assess why meds weren't helping. ~~He~~ informed them that ~~his~~ Gerd was getting worse, ~~he~~ was in pain and couldn't sleep. Though ~~he~~ continued to inform hsu staff that ~~his~~ Gerd medications were unhelpful. Nurse Denise responded stating "you have active orders for Maalox and pantoprazole." on 8/23/22, Barfell wrote hsu stating "I'm in pain and need an endoscopy." Jane Doe responded stating "will schedule to be seen by nursing for further gerd assessment." Even though Barfell seen nurse Denise on 8/17/21, and was told he would see a provider. on 8/26/21, ~~Barfell~~ submitted multiple forms to hsu. Barfell stated "you can't justify not allowing me an endoscopy by saying I'm on medications. I told you several times that ~~his~~ meds are unhelpful." "I'm in pain and its starting to have an impact on my mental health." ~~Barfell~~ informed them of Meds ~~his~~ was on in the past for gerd being unhelpful. ~~He~~ told them ~~he~~ was in pain and asked why they weren't helping. ~~then~~ These were addressed to Buchanan, but Jane Doe responded stating "you are being scheduled to be seen by nursing for further assessment." on 8/29/21, ~~Barfell~~ began experiencing severe chest and throat pain and trouble breathing. ~~Barfell~~ wrote hsu and informed them of this. Barfell brought up meds not helping, ~~his~~ gerd getting worse, and needing an EGD (endoscopy). Jane Doe told Barfell "you will be scheduled to be seen" on 9/2/21, Barfell wrote Buchanan. Barfell asked why he needed to be evaluated again. Barfell stated "I was told on 8/17 that I would be scheduled to see a provider, but still haven't."

He also informed her that ~~my~~^{his} GERD meds were unhelpful. Jane Doe responded stating "a referral was made to see a provider - waiting to be scheduled." on or around 9/3, Barfell wrote hsu. Barfell asked for an endoscopy and stated "I want to put an end to my pain and suffering." Jane Doe responded stating "scheduled to be seen in hsu" on 9/14, Barfell wrote Tony Evers who informed Barfell that he couldn't assist him because it was a legal matter. The letter Barfell wrote to Tony Evers was forwarded to Block. Block responded stating "you were given medications to treat your symptoms. you have been seen by nursing and providers. you will see G.I. in 2 or 3 months. on 9/19, Barfell's chest/throat pain and trouble breathing became so severe, he informed 2 different officers. They called hsu who didn't answer. The officers told ~~me~~^{him} to fill out an hsu form and one of them would take it up there. Barfell also submitted 2 other forms that night about his pain and trouble breathing and explained that it might be GERD related. Barfell also wrote the warden. Barfell wasn't seen. Between 9/19 and 9/22, Barfell informed 5 different officers of his chest pain and trouble breathing. They contacted hsu. Block, Denise, Alt, and Jane Doe nurses refused to see Barfell. on 9/22, Barfell finally seen nurse Animu. There was really nothing she could do, as she wasn't a provider, couldn't prescribe meds, and couldn't schedule an EGD. Nurse Animu spoke with NP Kramer, who ordered omeprazole, even though I'd informed them that omeprazole was unhelpful in the past. I was again told that I would be scheduled to see a provider. on 9/28, officer Rivera was working. I was taking the omeprazole, which was unhelpful. Barfell informed Rivera of his chest pain and trouble breathing. Rivera refused to let hsu refuse to see Barfell. Rivera escorted 2:21 Bar 00725-LAP Filed 04/05/22 Page 7 of 14 Document 93

walked into the room. Barfell asked if he would be charged \$7.50, as he had been seen by nurses multiple times for the same concerns, was told he'd see a provider, but still hadn't. Jane Doe stated "Just because you were seen once or twice and charged doesn't mean you get unlimited visits." She then stated "your gonna sit there, shut up and let me take your vitals, if not you can leave". Barfell informed her that she wasn't gonna be disrespectful and treat him like a child. She then told Barfell to leave. Jane Doe stated "I don't care if your dying, I'm not gonna see you when your being disrespectful." Jane Doe attempted to get Barfell to sign a refusal. Barfell stated "I'm not signing a refusal because I'm not refusing anything." Barfell asked for her name, but Jane Doe refused to provide it. on 9/26, Barfell submitted 3 forms about his chest pain and trouble breathing, meds not helping, and needing an endoscopy. Jane Doe returned Barfell's request to him informing him that he needs to use the HSR forms, instead of request forms. However, Doc policy states "request forms are to be acknowledge as if they are HSR forms"; on 9/27, ^{Barfell} wrote hsu asking about this. Jane Doe stated "I don't know what your talking about." on 9/27, Barfell wrote hsu about his chest/throat pain, trouble breathing, and gerd issues. Jane Doe responded by pretty much saying she couldn't help Barfell and that he was scheduled to see a doctor. She stated referrals were placed on 8/17 and 9/22. Barfell wrote hsu twice on 9/29 informing them of his ^{worsening} ~~chest~~ pain, trouble breathing and meds not helping. Nurse Alt responded stating "Scheduled to see provider." on 9/28, officer Rivera emailed Nurse Block about Barfell's chest pain and trouble breathing. Nurse Block ignored Riveras email and never responded. on 9/30, ^{Barfell} had Sgt Vyres contact hsu about his chest Case 2:21-cv-00725-LAB Filed 04/05/22 Page 8 of 10 Document 93 Vyres "have

Block was a nurse and Barfell had seen 3 nurses and no previous nurses could help him Block couldn't either.

him submit an hsu form and I will see him tomorrow." Barfell submitted an hsu form that night like Denise instructed him to. Nurse Alt responded stating "Appt with provider scheduled." On 10/17, Barfell wrote hsu 4 times. Barfell informed hsu of his pain, symptoms, and trouble breathing. Those forms were returned by Jane Doe nurse stating "Submit another form." Barfell continued to submit forms to hsu about his pain, trouble breathing, GERD and medications being unhelpful. On 10/13, Barfell was up at hsu for Am med pass, Block was handing out meds. Barfell informed Block of his chest pain and trouble breathing. Block told Barfell to sit in the waiting room and she would see him after med pass was complete. Barfell decided he wanted to go eat breakfast and would attempt to deal with the pain until he seen a doctor, as he had already done so for nearly 2 months. Barfell returned to the unit, went to rec, when Barfell came back from Rec, his pain had worsened. Barfell informed Vyres. Vyres contacted Block. Block refused to see Barfell because he had left hsu earlier. Vyres talked to Fink and Fink contacted Block. Block told Fink that she wasn't gonna see Barfell. Barfell was told to return to his cell or he would receive a conduct report. Barfell finally seen Kramer in November 2021. After 3 months of severe pain, suffering, trouble breathing, not being able to sleep, and meds not working. Nurses informed Kramer of this but she delayed medical care. During Barfell's visit with Kramer, Barfell informed Kramer that the GI was suppose to schedule an endoscopy, as meds had been unhelpful. Barfell also informed Kramer that he had missed an endoscopy while he was in the community, which was scheduled by a doctor. Kramer is a nurse practitioner and can't change a doctors orders. Instead of scheduling an endoscopy or asking the GI if she intended to schedule an endoscopy for Barfell, Kramer continued to give him pain meds and told him he wouldn't

Everything Barfell asked for Kramer provided. Barfell brought the preliminary injunction motion scared her

work. As she admitted this in her declaration in response to Barfell's motion for preliminary injunction. ^{Barfell} also explained that these meds were unhelpful. Barfell seen Kramer on December 2nd and one other time after this. Barfell informed her again about needing an endoscopy and meds being unhelpful. Barfell brought up his chest pain and trouble breathing. Instead of scheduling an endoscopy, Kramer continued to prescribe meds she knew wouldn't be helpful. As she admitted in her declaration, on December 28th, 2021, Barfell sent a preliminary injunction motion to the library to be e-filed. On December 29th, 2021, Barfell was called up to hsu for an unscheduled appointment with Kramer. Barfell had been requesting X-rays, ultrasound, ~~and~~ an endoscopy, and bland diet for several months. Kramer finally ordered Barfell an endoscopy. But it wasn't scheduled until April 12th, 2022. Barfell is released on April 5th, 2022. Kramer later admitted that she scheduled Barfell's endoscopy for after his release. Barfell asked Kramer to reschedule this endoscopy closer to where he lived, so he could make the appointment and not have to reschedule it once he was released. Kramer refused to reschedule it and told Barfell that he could schedule one once he was released. Individuals usually have to wait 3-6 months after an endoscopy is scheduled for that endoscopy to occur. This is an unnecessary delay, which continues to cause Barfell pain and suffering. Meds continue to be unhelpful. Barfell was supposed to see a GI on 10/07/21, and about 4 other times after that, as he had completed hep C treatment and seeing a GI was standard procedure. Barfell was also told by nursing and Kramer that he could address his GERD and needing an endoscopy when he seen the GI. It has been 6 months and Barfell still hasn't seen a GI for these issues. Doc policy requires an inmate to see

Between 12/29 and April 5th 2022, Barfell wrote hsu and asked to see his X-ray, ultrasound, EKG, and blood test results. Barfell also asked to have his EDg schedule closer to where he lived. Howell, Kramer, and Jane do nurses refused to allow any of it, and delayed care.

Between April 15th 2021 and April 5th 2022, Barfell has submitted hsu forms and the individuals named in this complaint and Jane do nurses have denied

This policy is unconstitutional and allows hsu staff to delay treatment and blame it on policy. Sarah Cooper, Michael Rivers, Medical director, Mary nurse, and Kevin Carr enforce these policies. On 10/28/21, Denise responded to one of Barfell's requests stating "your chest pain is likely from Gerd" on 10/20 and 10/28, Barfell wrote hsu about his chest pain, trouble breathing, meds not helping, Jane Doe responded stating "inform NP when you see her the week of 10/25. Barfell wasn't seen for several more weeks. Kramer delayed this visit. Between then and now, Barfell has continued to have the same issues with the same individuals. On 12/29/21, Barfell was finally given a bland diet for his Gerd after months of requesting it. NP Kramer informed Barfell to let hsu know if foods he was given on his bland diet caused him discomfort. Between 12/29/21 and 04/02/22, Barfell wrote hsu and informed them that some of the foods he was being given were affecting his Gerd. Nurse Howell and Alt responded several times ~~stating~~ informing Barfell that he could just not eat those foods and refused to provide supplements. Barfell was forced to choose between going hungry or eating foods that caused him pain. The rest of this complaint is regarding Barfell's ~~and~~ dental needs not being met. Barfell was told by a dentist that he needed partials and his cavities filled. Barfell arrived at C.C.T. on April 15th, 2021. Barfell began experiencing tooth pain, headaches, bleeding, trouble chewing, and trouble swallowing, which caused Barfell discomfort, made it hard for him to sleep, and eat. Barfell is missing 2 of the forms he sent dental, but will go off the ones he does have. On 5/4, Barfell wrote dental. He informed them of his pain and that he would like his dental needs addressed. Dr Lamarca responded stating "you are on the list" Barfell waited. On 11/16/21, Barfell wrote dental twice. Barfell asked about getting his cavities filled, about partials, and explained that he had been waiting 5 years to receive partials. Barfell informed them that he was in pain and

It was hard for him to eat. Dr Lamarca responded stating "you are on the list," and "all cavities must be filled before you can receive partials." on 11/23/21, Barfell wrote dental about his dental needs. Dr Lamarca responded stating "you are on the list." Barfell again waited and took his excedrin to attempt to manage the pain. The excedrin wasn't helping Barfell's pain and he still hadn't been seen. Barfell wrote dental on 01/10/22, Barfell informed them that he would like his cavities filled, as they were causing him pain. Barfell explained that it was very hard for him to eat without partials. Dr Delforge responded stating "Mr Barfell, policy 500.40.06 and pac-0074 clearly state dental service policies regarding eligibility and requirements necessary for services, as well as amount of work per appointment to allow fairness to all patients. If you have other concerns about this, please address them to madison central office who makes these policies." That same day 01/10/22, Barfell seen Dr Delforge for a teeth cleaning. Barfell asked about partials and getting his cavities filled, he told her it was causing him pain, and making it hard for him to chew, swallow, and eat. Dr Delforge was very rude. Delforge informed Barfell that she was only cleaning his teeth and she had addressed all of his concerns in the request form. Dr Delforge Blamed dental needs not being addressed on understaffing and instructed Barfell to write madison if he wanted his dental needs addressed in a timely manner. Barfell had no other choice, so he waited and tried to manage his pain. He didn't think it would take much longer for his name to come up on the wait list. on 2/27/22, Barfell wrote dental stating "I really need my cavities filled, they are causing me pain." on 3/1/22, Dr Nance responded by stating ~~this~~ "this has been noted."

Your on the fillings list. If you feel like this has changed and you need an extraction due to pain. Let us know and we will put you on the extraction list." On 3/2/22, Barfell wrote dental. Barfell brought up his cavities and needing partials causing him pain and making it hard for him to eat. Dr Nance responded stating "See previous response from 3/1/22." On 3/6/22, Barfell wrote dental. Barfell stated "I am in pain and having a hard time eating." Dr Delforge responded stating "previously addressed." On 3/12/22 Barfell wrote dental. Barfell stated "my cavities are causing me constant pain, a headache and preventing me from sleeping." I am also having trouble eating and need partials for the same reasons." Dr Lamarca responded stating "See other response, your on the fillings list. wait to be called." On 3/13/22, Barfell wrote dental. Barfell stated "its hard for me to eat, it causes me so much pain I can barely prevent myself from crying. My gums are bleeding and it causes me severe pain. So severe it is very hard for me to sleep." Dr Lamarca responded stating "Let us know if you become swollen." Barfell gave up and had no choice but to suffer in pain. It was clear that he wasn't gonna be seen by dental. He was never seen for his pain regarding dental needs.

Exhaustion of remedies.

Administrative remedies were exhausted on multiple occasions. Complaints, complaint appeals, and Tony Evers was contacted.

Legal Claims.

Each defendant was aware that they were being deliberately indifferent to plaintiffs serious medical needs. Defendants knew they violated plaintiffs 8th amendment right to be free from cruel and unusual punishment.

Each defendant was aware that they violated plaintiffs 14th

amendment rights to equality, protection, and due process.

The defendants conduct led to an environment that created psychological torment, emotional distress, pain and suffering, and mental anguish.

Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs described herein.

Prayer for relief.

Wherefore, Plaintiff respectfully prays that this Court enter Judgment: Granting Plaintiff a declaration that the acts and omissions described herein violate his rights under the constitution and laws of the United States. And

Granting Plaintiff punitive damages in the amount of \$1,000,000 against each defendant, jointly and severally, and

Granting Plaintiff compensatory damages in the amount of \$1,000,000 against each defendant, jointly and severally.

Plaintiff also seeks a bench trial.

Plaintiff seeks recovery of his costs in this suit, and

Any additional relief this Court deems just, proper, and equitable.

Verification

I have read the foregoing complaint and hereby verify that the matters alleged herein are true, except as to matters alleged on information and belief and, as to those, Plaintiff believes them to be true. Pursuant to U.S.C. 1746, I certify under penalty of perjury that the foregoing is true and correct.

Thomas H.L. Barfell. ZZ

04/05/22

please contact me via email and email all documents to me at ThomasBarfell90@gmail.com. I have no mailing address